

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

BKY No. 01-33849

In re:

Jaime Taylor and Barbara Larson
Taylor,
Debtors.

**NOTICE OF HEARING AND MOTION
FOR TURNOVER OF PROPERTY**

TO: The Debtor above-named and her attorney,

1. Randall L. Seaver, the Chapter 7 Trustee herein, moves the Court for the relief request below and gives Notice of hearing herewith.

2. The Court will hold a hearing on this motion at 10:15 a.m. on September 1, 2004, Courtroom No. 228A, U.S. Bankruptcy Court, 316 North Robert Street, St. Paul, MN 55101 or as soon thereafter as counsel can be heard.

3. Under applicable rules, any objection must be in writing, be delivered to the Trustee and the United States Trustee, and be filed with the clerk, not later than August 27, 2004 which is three (3) days before the above date (excluding Saturdays, Sundays and holidays) or filed and served by mail not later than August 23, 2004 which is seven (7) days before the time set for hearing (excluding Saturdays, Sundays and holidays) in accordance with Local Rules. **UNLESS A RESPONSE IS TIMELY SERVED AND FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.**

4. This Court has jurisdiction over this Motion under 28 U.S.C. §157 and §1334 and Bankruptcy Rule 5005. This Motion is filed under Local Rule 9013-2, this proceeding arises under 11 U.S.C. §542(e) and 11 U.S.C. §543 and Local Rule 6072(1).

5. The petition commencing this Chapter 7 case was filed on September 10, 2001. The case is now pending in this Court.

6. The Debtors agreed to pay the Trustee \$2,000 for certain stock in Assembly Services and Packaging, Inc and for other sports and hobby equipment. The Trustee has obtained approval of that sale, but the Debtors have not turned over the \$2,000 sale price to the Trustee.

7. The Debtors owe the estate \$1,952.67 in non-exempt funds from their 2001 tax refunds. The Trustee has demanded that the Debtors pay that money to the estate to no avail.

WHEREFORE, the Trustee requests an Order of the court requiring the Debtors to turnover to the Trustee the sum of \$3,952.67 within 7 days from the date of this order.

FULLER, SEAVER & RAMETTE, P.A.

Dated: August 10, 2004

By: /e/ Randall L. Seaver
Randall L. Seaver 152882
12400 Portland Avenue South, Suite 132
Burnsville, MN 55337
(952) 890-0888

Attorneys for Randall L. Seaver, Trustee

VERIFICATION

I, Randall L. Seaver, Trustee for the Bankruptcy Estate of Jaime Taylor and Barbara Larson Taylor, named in the foregoing Notice of Hearing and Motion for Turnover of Property declare under penalty of perjury that the foregoing is true and correct according to the best of my knowledge, information and belief.

Executed on August 10, 2004

/e/ Randall L. Seaver
Randall L. Seaver, Trustee

**UNITED STATES BANKRUPTCY COURT
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UNSWORN CERTIFICATE OF SERVICE

I, Kari L. Fogarty, declare under penalty of perjury that on August 10, 2004, I mailed a copy of the Notice of Hearing and Motion for Turnover of Property and proposed Order of by first class mail, postage prepaid to each entity named below at the facsimile number and address stated below for each entity:

Jaime Taylor
800 W. College Avenue
St. Peter, MN 56082

Barbara Larson Taylor
800 W. College Avenue
St. Peter, MN 56082

Office of the United States Trustee
1015 U.S. Courthouse
300 South Fourth Street
Minneapolis, MN 55415

FULLER, SEAVER & RAMETTE, P.A.

Dated: August 10, 2004

By: /e/ Kari L. Fogarty
Kari L. Fogarty
Legal Secretary
12400 Portland Avenue South, Suite 132
Burnsville, MN 55337
(952) 890-0888

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

BKY No. 01-33849

In re:

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Taylor,

ORDER

Debtors.

This matter came on for hearing before this court on the motion of Randall L. Seaver, Chapter 7 Trustee, for turnover of property of the estate. Appearances, if any, were noted upon the record.

Upon the Motion of the Trustee, arguments of counsel, and the documents of record herein., and the Court being fully advised in the premises,

IT IS HEREBY ORDERED:

1. Within seven (7) days from the entry of this the Debtors shall turnover to the Trustee the sum of \$3,952.47.

BY THE COURT:

Dated: _____, 2004

Dennis D. O'Brien
U.S. Bankruptcy Judge